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Attorneys for Defendants Clark County,

John Martin, and Marcus McAnally

UNITE!

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

DANIEL MARTIN,

Case No.: 2:19-cv-01623-APG-DJA

Plaintiff,

VS.

CLARK COUNTY, a political subdivision of the State of Nevada; JOHN MARTIN in his official and/or individual capacities; MARCUS McANALLY in his official and/or individual capacities; DOES I-X.

Defendants.

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTIONS
BRIEFING SCHEDULE**

[FIRST REQUEST]

AND RELATED COUNTERCLAIM

STIPULATION

Defendant/Counterclaimant Clark County and Defendants John Martin, and Marcus McAnally (collectively herein “Defendants”) and Plaintiff/Counter-defendant Daniel Martin (“Plaintiff”), by and through their undersigned counsel, hereby stipulate to extend the briefing

1 schedule for dispositive motions set forth in ECF No. 46. The parties represent to the court as
2 follows:

- 3 1. This is a civil action initiated by Plaintiff Daniel Martin for claims of discrimination,
4 harassment, and retaliation under state and federal anti-discrimination and civil rights
5 statutes; Defendant Clark County has raised contract based counterclaims.
- 6 2. On December 3, 2020 the court granted the parties' stipulation and order that set the
7 currently applicable dispositive motion briefing schedule. (ECF No. 46)
- 8 3. On January 28, 2021 Defendants filed a Motion for Summary Judgment (ECF No. 48)
9 seeking dismissal of all of Plaintiff's claims. Pursuant to the briefing schedule entered in
10 ECF No. 46 Plaintiff's response is due February 22, 2021.
- 11 4. Plaintiff's counsel has had a particularly heavy workload since the beginning of 2021
12 including multiple ENEs, settlement conferences, NERC Informal Settlement Meeting,
13 preparation for and litigating an arbitration on an FLSA case (on February 17), a number
14 of administrative workers' compensation and unemployment hearings, briefing on two
15 Motions to Dismiss in U.S. District Court, briefing on a novel issue involving community
16 property in U.S. Bankruptcy Court, and extensive preparation for and testimony as the
17 presenter with Senator James Orenschall for S.B. 107 in the Nevada State Senate
18 Judiciary Committee on February 18 as a volunteer unpaid lobbyist for Nevada Justice
19 Association.
- 20 5. Additionally, Plaintiff's counsel has not had a chance to meet with Plaintiff and several
21 witnesses whom are expected to provide declarations in support of the response to the
22 Motion for Summary Judgment. (ECF No. 48) Meetings are being arranged and based on
23 the schedules of counsel and the witnesses they cannot take place prior to the present
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February 22, 2021 deadline for the response. They are expected to take place over the next week to ten days.

6. The parties have conferred and have agreed to seek court approval to modify the existing briefing schedule in accordance with the plan set forth herein.

PROPOSED AMENDED BRIEFING SCHEDULE

- 7. Plaintiff's Response to Defendants' Summary Judgment Motions on Plaintiff's Claims**

Plaintiff's response to ECF No. 48 deadline will be extended from February 22, 2021 to March 8, 2021. Defendant's reply will be due on or before March 22, 2021.

8. Defendant Clark County's Summary Judgment Motion on its Counterclaim

Defendant Clark County will file its summary judgment motion as to Counterclaims against Plaintiff on or before March 12, 2021. Plaintiff's response and any countermotion will be due on or before April 2, 2021. Defendant's reply and any response to a countermotion will be due on or before April 23, 2021. Plaintiff's reply to a response to any countermotion will be due on or before May 7, 2021.

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1 This stipulation is entered in good faith and not for purposes of undue delay. Given the
2 continuing difficulties with the COVID-19 pandemic the above schedule will not pose any undue
3 delay in scheduling a trial or further proceedings in the case.

4 Respectfully submitted,

5 Dated this 22nd day of February, 2021,

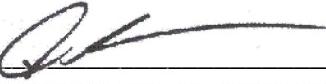
6 /s/James P. Kemp
7 JAMES P. KEMP, ESQ.
Nevada Bar No: 6375
KEMP & KEMP
Attorneys for Plaintiff

5 Dated this 22nd day of February, 2021,

6 /s/Scott R. Davis
SCOTT R. DAVIS, ESQ.
Nevada Bar No.: 10019
CLARK COUNTY DISTRICT ATTORNEY'S
OFFICE
Attorneys for Defendants

10 **ORDER**

11 IT IS SO ORDERED.

12 
13 THE HONORABLE ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE

15 Dated: February 22, 2021

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